

11/20/2023

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
Roger A.G. Sharpe, ClerkUNITED STATES DISTRICT COURT
Southern District of IndianaIsrael Dodd Richardson
Plaintiff,

v.

Complaint
Civil Action

NO. 4:23-cv-188-TWP-KMB

Kenny Freeman, Sheriff Jennings
County IN., Cody Low, Deputy
Sheriff Jennings County IN., and
Kyle Lee, Deputy Sheriff
Jennings County IN., individually
and in their official capacities.
Defendants,

I. JURISDICTION AND VENUE

1. This is a civil action authorized by 42 U.S.C. section 1983 to redress the deprivation, under the color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. section 1331 and 1343 (a) (3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. section 2201 and 2202. The court has supplemental jurisdiction over the plaintiff's state law claims under 28 U.S.C. section 1367.

2. The Southern District of Indiana is an appropriate venue under 28 U.S.C. section 1391(b) (2) because it is where the events giving rise to this claim occurred.

II. PLAINTIFF

3. Plaintiff, Israel Dodd Richardson, at the time of incident and still is a resident of Jennings Co. IN at: 235 S.E. Cherokee Dr. North Vernon, IN, currently housed in the Jennings County Jail P.O. 367 Vernon, IN 47282

III. DEFENDANTS

4. Defendant, Kenny Freeman, is the sheriff of Jennings county IN.

5. Defendant, Cody Low, is a deputy of the Jennings county sheriff department.

6. Defendant, Kyle Lee, is a deputy of the Jennings county sheriff department.

7. Each defendant is sued individually and in their official capacity. At all time mentioned in the complaint each defendant acted under the color of state law.

IV. FACTS

8. On 3/5/2022 at approximately 2:40 P.M. in Jennings Co., IN. the plaintiff and Lyric Ewing were stopped by the defendants on county road 850 south.

9. Defendant, Kenny Freeman, with assault style gun drawn and aimed at the plaintiff, and defendant, Cody Low, with K.9. Axel, approached the drivers side of plaintiff's vehicle.

10. Defendant, Kyle Lee, went to the passenger side

11. The plaintiff and his companion, Lyric Ewing, complied explicitly with the defendants commands, keeping their hands in plain sight.

12. Defendant, Kyle Lee, removed Lyric from the vehicle then returned to the open passenger door.

13. The drivers side door was inoperable.

14. The plaintiff kept his hand on the steering wheel, completely visible, except when ordered to do otherwise.

15. Defendant, Cody Low, looked at his K.9, Axel, then to his boss the sheriff, defendant Kenny Freeman, and ordered the plaintiff to exit by crawling across the passenger seat.

16. The plaintiff, knowing what was coming, complied with orders and began to crawl across the seat to exit.

17. Defendant, Kyle Lee, succured the plaintiff's arms and stretched him prone across the seats.

18. As soon as defendant, Kyle Lee, succured the plaintiff's arms and stretched him prone, defendant Cody Low, lowered the drivers side window and lifted his K.9 Axel through, to bite the surrendered, complying plaintiff causing sever pain, permanant scaring, and P.T.S.D.

19. Defendant, Kyle Lee, pulled the plaintiff out of the vehicle where all three defendants pummelled the plaintiff with knees and hands causing severe pain, bloody mouth and the loss of a tooth.

V. LEGAL CLAIMS

20. Defendant, Kody Low, while acting under the color of law violated the plaintiff's 4th amendment rights by using excessive force, to wit releasing a dog trained to attack on the unarmed, surrendered, complying plaintiff, Israel Richardson.

21. Defendant, Kenny Freeman, while acting under the color of law violated the plaintiff's 4th amendment right by using excessive force, to wit ordering or failing to stop the release of a dog trained to attack on the surrendered plaintiff, Israel Richardson.

22. Defendant, Kyle Lee, while acting under the color of law violated the defendant's 4th amendment right by using excessive force, to wit holding the plaintiff's arms while a dog trained to attack was released on the plaintiff.

23. Defendants, Kenny Freeman, Kody Low, and Kyle Lee while acting under the color of law violated the the plaintiff's 14th amendment rights by using excessive force knowing the plaintiff had stood in protest of the use of such force.

24. Defendants, Kenny Freeman, Kody Low, and Kyle Lee committed the crime of battery by releasing a dog trained to attack on Israel Richardson who was surrendered and unarmed.

IV PRAYER FOR RELIEF

25. WHEREFORE, Plaintiff respectfully pray that this court enter judgement:

26. Granting Plaintiff, Israel Dodd Richardson, a declaration that the acts and omissions described herein violated his rights under the Constitution and laws of the United States, and

27. Granting Plaintiff, Israel/Dodd Richardson, compensatory damages of \$100,000 against each defendant, jointly and severally.

28. Plaintiff seeks punitive damages in the amount of \$100,000. Plaintiff, Richardson, seeks these damages against each defendant, jointly and severally.

29. Plaintiff also seeks a jury trial on all triable issues triable by jury

30. Plaintiff also seeks recovery of his costs in this suit.

Any additional relief this court deems just and equitable.

Dated:

Respectfully Submitted,

Israel Dodd Richardson

Israel Richardson

Jennings County Jail

P.O. # 367

Vernon, IN. 47282

VERIFICATION

I, Israel Dodd Richardson, have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Vernon, IN on NOV. 13th 2023

Israel Richardson

Israel Richardson